Cal/EPA Environmental Justice Action Plan

Pilot Project Summary for Community Capacity Building – Klamath River

March 25, 2005

I. Lead Agency: State Water Resources Control Board (SWRCB)

II. Project Area: The Klamath River in both Oregon and California. The following Tribes have lands and/or interests in the Klamath River Watershed:

- Hoopa Tribe
- Yurok Tribe
- Karuk Tribe
- Klamath Tribes (Klamaths, Modocs, Yahooskin)
- Resighini Rancheria
- Quartz Valley Indian Tribe

Area Demographics: The Klamath River basin is located in Siskiyou County in inland northern California, adjacent to the Oregon border. As the fifth largest county in California by area, Siskiyou County features spectacular natural beauty and scenic cities and towns including Yreka, Mt. Shasta, Weed, Dunsmuir, McCloud, & Tulelake as well as Butte Valley, Scott Valley, Shasta Valley, & the Klamath River Corridor. As of 1998, the population of Siskiyou County was 44,700, which is roughly a population increase of 10,000 since 1970. The primary employment is retail trade and services. The unemployment rate of the County is 10%. Greater than 60% of the land within the County is currently managed by agencies of the Federal and State governments. These include: The U.S.D.A. Forest Service; Bureau of Land Management; U.S. Fish and Wildlife Service; and California Department of Fish and Game. These lands are maintained in various National Forests; Parks; Wilderness Areas; National Grasslands; National Wildlife Refuges; and State Wildlife Areas.

The Tribes that occupy the region have close ties to this river. Their combined population according to the California Native American Heritage Commission is 12,411, of which 4,245 are under the age of 18. Their median income was $26,875.

III. Background: The Klamath River is a valuable ecological resource to the States of California and Oregon as well as the Tribes that occupy its watershed. The Klamath River salmon fishery, as other fisheries in the Pacific Northwest, has dramatically declined over the years. Nonetheless, the Klamath River is the third most productive fishery in the region. Fortunately this watershed is less urbanized than most. As a consequence, we are hopeful that the trend of declining fishery resources can be halted and even reversed.

The Tribes that occupy the region have close ties to this river. It has provided them with sustenance and they need to be active participants in actions taken to prevent the erosion of its ecological values.

To tackle this problem, the State and Federal Klamath Basin Coordination Group has been formed. This group is a coalition of the state of California (State Water Resources Control Board and Department of Fish and Game) and the state of Oregon (Governors Office, Oregon Department of Environmental Quality, and Oregon Department of Fish and Wildlife) and Department of Interior, Bureau of Reclamation, Bureau of Land Management, Environmental Protection Agency, NOAA Fisheries, and U.S. Fish and Wildlife Service representing federal interests in this interstate stream. The State and Federal Klamath Basin Coordination Group has received the endorsement of the governors of both states. To achieve its ends the State and Federal Klamath Basin Coordination Group must effectively engage the Tribes having lands in the watershed.

The North Coast Regional Water Quality Control Board and the Oregon Department of Environmental Quality will be working in establishing total maximum daily loads for pollutants entering the river system. However, the environmental effects of the power facilities in both Oregon and California will be evaluated as part of the Federal Energy Regulatory Commission relicensing. This review is an opportunity that only occurs in approximately every fifty-year period. These steps will provide an opportunity to assess methods for determining cumulative impacts and how to apply precautionary approaches, if needed.

IV. Project Start Date: Immediately.

V. Project End Date: Issuance of a Clean Water Act section 401 certification by the State Water Resources Control Board in the **spring of 2007**.

VI. Goal & Objectives:

a. Goal: Effectively involve the Klamath River Tribes in the development of actions to restore fishery habitat and consequently fishery production in this important Pacific-Northwest watershed.

b. Objectives:

- Seek to reduce or hopefully eliminate fish die-offs that have occurred.
- Increase the amount of productive habitat in an effort to restore historic higher populations of salmon.
- Allow the Tribes, as a primary stakeholder of interest, to enjoy the benefit of increased fishery production.

VII. Activities – Planning, Implementation, Evaluation, & Deliverables

Planning

- **Site Selection:** The Klamath River has avoided the urbanization that has affected the remainder of California's most productive salmon streams. While the Klamath has experienced a decline in fishery production similar to all the other major streams it represents the best chance to take actions, which may restore part of its last production. Furthermore, the Tribes that inhabit the region have an economic, cultural, and religious tie to this river which represents the chief resource in the region. A rare opportunity exists because of the nature of the river, the unique regulatory events that are occurring, and the agreement of the two states and the federal government to cooperatively tackle the problem of environmental degradation.

- **Reduction of Risk to Children's Health:** Historically the Tribes have looked at the river and its fishery as a source of sustenance. As the fishery has declined the diet of these native peoples has had to change, and with that change there has been an outbreak of diabetes, obesity, and heart disease. Return to a more natural diet, largely dependent on fish protein, is recognized to be healthier. Complete restoration of the fishery may lead to reversal of the epidemic of chronic disease facing the Tribes.

- **Cal/EPA Cross-Media Implication:** If the power production along the river is reduced to provide additional fish habitat this power will have to come from other facilities. These effects, however, will be evaluated in the environmental disclosure documents that must accompany the regulatory actions. SWRCB will work with other Cal/EPA Boards, Departments, and Office to identify cross-media opportunities as the project proceeds.

- **Partnerships:** The major state/federal regulatory agencies governing two states have joined together to tackle this difficult environmental problem. The agencies include:

  State of California
  - State Water Resources Control Board
  - California Department of Fish and Game

  State of Oregon
  - Oregon Governors Office
  - Oregon Department of Environmental Quality
  - Oregon Department of Fish and Wildlife

  Federal Government
  - Department of the Interior, Office of Policy Analysis
  - U.S. Fish and Wildlife Service
  - NOAA Fisheries
  - Bureau of Reclamation
  - Bureau of Land Management

- Natural Resource Conservation Service
- Environmental Protection Agency

These agencies will work with the Tribes and basin agricultural interests to formulate workable solutions that will receive broad support in the region.

Implementation

- **Methodology & Performance Indicators:** A number of methods are possible, and should be developed by the State and Federal Klamath Basin Coordination Group in consultation with stakeholders. Performance indicators could include target fish population or catch numbers, quantifiable habitat improvement, or improvements in public health indicators (i.e. reduced rates of diabetes, obesity, and heart disease).

- **Public Participation:** The State and Federal Klamath Basin Coordination Group is taking steps to meet with stakeholders including the Tribes to seek their input before any decisions are formulated. In each step of the solution process public input will be sought. Environmental disclosure documents, at both the state and federal levels, must under law be formulated and circulated. Written responses to comments will be developed prior to any final decisions.

See next page for Project Timeline.

- **Project Work Plan & Timeline:**

	Activity	Start Date	End Date
Phase 1	**1. Identify pilot project location(s)**		**Completed**
	2. Define project parameters		**Completed**
Phase 2	**1. Develop Project Data Needs**	**Ongoing**	**4th Qtr 2005**
	2. Implement Project Data Responsibilities & Timelines	**Ongoing**	**4th Qtr 2005**
	3. Develop a Public Participation Workplan	**1st Qtr 2005**	**2nd Qtr 2005**
	4. Establish Stakeholders Advisory Groups	**2nd Qtr 2005**	**3rd Qtr 2005**
Phase 3	**1. Seek Information Regarding Tribal Chronic Health Statistics**	**2nd Qtr 2005**	**4th Qtr 2005**
	2. Develop Children's Environmental Risk Reduction Plan (ChERRP)	**2nd Qtr 2005**	**4th Qtr 2005**
Phase 4	**1. Prepare Decisional Documents**	**1st Qtr 2006**	**1st Qtr 2007**
Phase 5	**1. Make A Decision Regarding Restoration Steps**	**4th Qtr 2005**	**2nd Qtr 2007**
	2. Develop An Evaluation Plan To Evaluate Long Term Effects Of Decisions	**1st Qtr 2007**	**2nd Qtr 2007**

Evaluation & Deliverables

- **Results:** The real results of restoration efforts can only be evaluated over a reasonably lengthy period. Only in this way can the independent variables of hydrography and biological population fluctuations be removed from the equation. Immediate but indirect evaluation can be performed using indicators such as miles of habitat added or quantity of flow added to the system. These short-term indicators will be utilized, but they cannot and will not replace long-term resource evaluations. Unfortunately, no short-term evaluations can be performed which would adequately

document the effect on the incidence of chronic disease. This will of necessity be evaluated using long-term health trend analysis. However, it may be possible to monitor the physical response to dietary changes. This effort will of necessity also take some time.

- **Deliverables:** Establishment of Total Maximum Daily Loads, renewal of power facilities license with appropriate environmental conditions, establishment of appropriate in stream flow requirements.

- **Considerations, Anticipated Challenges/Constraints:** It may be the desire of the Tribes to restore the river to the pre-European settlement condition. This degree of restoration is likely not possible. Restoration will likely need to increase flows, which might result in reduced agricultural water supply. To achieve necessary reductions funding may be required to purchase and fallow agricultural lands. Competing interests will all have positions, which at times may be directly conflicting.

VIII. For More Information:

Comments, Questions, or Concerns regarding this Pilot?

Please direct comments, questions, or concerns to:

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